

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**LPP MORTGAGE, LTD.,**

**Plaintiff,**

**v.**

**LEANETTE OWENS, et al.,**

**Defendants.**

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**CAUSE NO. 06-CV-1032-WDS**

**ORDER**

**STIEHL, District Judge:**

This matter is before the Court sua sponte for docket control. On February 8, 2008, the Court granted partial summary judgment on plaintiff's complaint (Counts 1-4 and 7-10) and dismissed Counts 5-6 sua sponte with leave to re-file once defendants are no longer subject to a bankruptcy stay (See Order at Doc. 40). The Court directed the Clerk of the Court to enter judgment.

It has come to the Court's attention that its prior Order did not dispose of the foreclosure counts, Counts 11 and 12 of the complaint. Accordingly, the Court **VACATES** and **SETS ASIDE**, as improvidently entered the judgment (Doc. 41)

The Court, however, is not certain that it has jurisdiction over the foreclosure counts as they appear to be state law based, as opposed to federal law based. Accordingly, the Court **DIRECTS** the parties to file, within 20 days of the date of this Order, memoranda of law as to whether the Court has jurisdiction to consider the remaining counts, or whether they should be dismissed for lack of jurisdiction.

**IT IS SO ORDERED.**

**DATED: April 16, 2008.**

**s/ WILLIAM D. STIEHL  
DISTRICT JUDGE**